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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA
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10 Roman Robaina,) No. 11-CV-2168-PHX-PGR (MHB)
11)
12 Petitioner,)
13 v.)
14 Charles L. Ryan, et al.,)
15 Respondents.)
16)

ORDER

17 The Court having reviewed *de novo* the Report and Recommendation of Magistrate
18 Judge Burns, and no party having filed an objection,

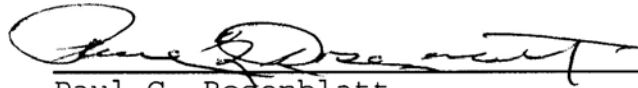
19 **IT IS HEREBY ORDERED** that the Magistrate Judge's Report and
20 Recommendation (Doc. 14) is ACCEPTED and ADOPTED by the Court.¹

21 **IT IS FURTHER ORDERED** that Petitioner's First Amended Petition for Writ of
22 Habeas Corpus (Doc. 5) is DENIED and DISMISSED with prejudice.

23 **IT IS FURTHER ORDERED** that a Certificate of Appealability and leave to
24 proceed *in forma pauperis* on appeal are DENIED because the dismissal of the Petition is
25 justified by a plain procedural bar and jurists of reason would not find the procedural ruling
26 debatable.

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28 ¹ In her Report and Recommendation. Magistrate Judge Burns correctly determined
that Petitioner's habeas petition is untimely and, alternatively, that his claims are
procedurally defaulted. (Doc. 14.)

1 DATED this 14th day of May, 2013.

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4 Paul G. Rosenblatt
5 United States District Judge
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